

## REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. Claims 11 and 31 have been canceled. Claims 1, 9, 10, 25, 27, 28 and 30 have been amended. No claims have been added. Therefore, claims 1-5, 7, 9-10, 12, 25-28, 30, and 32-33 are presented for examination.

### **Rejections Under 35 U.S.C. §103(a)**

#### *Carhart in view of Terry*

Claims 1-5, 7, 9-12, 25-28, 30-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carhart, U.S. Patent No. 6,622,304 ("Carhart") in view of Terry, U.S. Patent No. 5,499,047 ("Terry"). Applicant respectfully submits that the present claims are patentable over the combination of Carhart and Terry.

Carhart discloses an in-home coaxial wiring system for communication between devices, such as a computer and a television. Communication signals between devices are transmitted at frequencies greater than 860 MHz over a coaxial cable. A computer outputs signals (e.g. video display signals) to an interface device which then modulates the signals to a frequency greater than 860 MHz, to avoid interference with cable television signals transmitted along the same signal path ( a coaxial cable). The interface also is capable of demodulating input signals from a frequency greater than 860 MHz to a baseband signal recognizable by the computer.

Terry discloses a conventional cable television distribution network which is supplemented with an additional bi-directional transmission capability. Fiber termination units (FTUs) serve to supply to the coaxial cable with digital signals at frequencies above those of the analog television signals already carried by the cable. Additionally, Terry discloses that control signals and possibly other data are carried upstream (away from the customer premises) via cable drops on a QPSK (quadrature phase shift keyed) channel providing an upstream bit rate of 300 Mb/s in a frequency range from 1150 to 1350 MHz.

Independent claims 1, 25 and 28, as amended, include the limitation of a carrier modulated digital signal having a signal operating frequency greater than 1350 MHz.

The Examiner has admitted that Carhart does not teach or suggest a frequency greater than 950 MHz. Applicant respectfully further submits that Carhart disclosure only recites that “a signal frequency of greater than 860 MHz may be used with the interface system.” (Carhart, col. 11, line 12-14). Carhart’s disclosure does not specifically teach or suggest use a signal having an operating frequency greater than 1350 MHz, as claimed.

Applicant also respectfully submits that Terry does not teach or suggest a signal having an operating frequency greater than 1350 MHz, as claimed. Instead, Terry only discusses use of a signal having a frequency range of 1150 to 1350. Therefore, neither Carhart, Terry, or the combination teach or suggest Applicant’s claimed limitation.

Additionally, Applicant respectfully submits that there is no motivation to combine the teachings of Carhart and Terry, since Terry’s suggested use of higher transmission frequencies, such as those from 750 MHz to 1350 MHz, is for the stated purpose of transmitting upstream control signals from the consumer premises to the cable head-end. (Terry, col. 5, line 55-60). In contrast, Carhart’s teachings relating to transmitting communication signals at frequencies greater than 860 MHz over a coaxial cable is limited to in-home communications. Carhart’s in-home reflector (25 in Figures 5 and 6) serves the stated purpose of preventing these locally generated signals (i.e. signals over 860 MHz) from being transmitted onto the external coaxial cable drop (i.e. towards the cable system head-end). (Carhart, col. 9, lines 5-27). Thus, a person of ordinary skill in the art would not be motivated to combine Terry’s upstream teachings with Carhart’s in-home system. Therefore, Applicant submits that there is no suggestion or motivation to combine the teachings of Carhart with those of Terry.

Accordingly, it is respectfully submitted that independent claims 1, 25 and 28, and claims 2-5, 7, 9-10, 12, 26-27, 30, and 32-33 that depend from them, are patentable over the combination of Carhart and Terry for at least the reasons discussed above. Therefore, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

### Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.


If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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